

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

GWENDLYN J. RUMMELL

Plaintiff,

vs.

KILOLO KIJAKAZI, Acting
Commissioner of Social Security
Administration

Defendant.

CV 22-126-BLG-SPW-KLD

ORDER

Plaintiff Gwendlyn J. Rummell has filed an Application for Award of Equal Access to Justice Act (“EAJA”) Fees and Costs incurred in prosecuting her Social Security appeal. (Doc. 19). Plaintiff initially requested \$7,981.60 in fees and \$402.00 in filing costs. Costs are not paid by Agency funds, but rather by the Judgment Fund. Defendant Commissioner of Social Security has stipulated to a reduced fee of \$7,481.60 and \$402.00 in filing costs. Accordingly, and good cause appearing,

IT IS ORDERED that Defendant shall pay \$7,481.60 in fees under the Equal Access to Justice Act, 28 U.S.C. § 2412, and \$402.00 in filing costs.

IT IS FURTHER ORDERED that if, after receiving the Court’s EAJA fee order, the Commissioner (1) determines upon effectuation of the Court’s EAJA fee

order that Plaintiff does not owe a debt that is subject to offset under the Treasury Offset Program, (2) agrees to waive the requirements of the Anti-Assignment Act, and (3) is provided a valid assignment of fees executed by Plaintiff, the fees will be made payable to Plaintiff's attorney and mailed to Plaintiff's attorney's office as follows:

Seidlitz Law Office
P.O. Box 1581
Great Falls, MT 59403-1581

However, if there is a debt owed under the Treasury Offset Program, the Commissioner cannot agree to waive the requirements of the Anti-Assignment Act, and any remaining EAJA fees after offset will be paid by a check made out to Plaintiff, but delivered to Plaintiff's attorney.

DATED this 16th day of October, 2023.



Kathleen L. DeSoto
United States Magistrate Judge